

REGULAR CITY COUNCIL MEETING

APRIL 21, 1986

PRESENT

Ruth Hansen  
Gayle Bunker  
David Church  
Don Dafoe  
Neil Dutson  
Craig Greathouse

Mayor  
Council Member  
Council Member  
Council Member  
Council Member  
Council Member

ABSENT

None

OTHERS PRESENT

Jim Allan  
Dorothy Jeffery  
Warren Peterson  
Max Wood  
Jean Smith  
Carol Clarke  
Tom Hamilton  
Thelo L. Tippetts  
James T. Richards  
Linda Richards  
Leola Tippetts  
John C. Willie  
B. Quinn Bean  
Nolean Bean

City Manager  
City Recorder  
City Attorney  
Parks & Recreation Director  
Chamber of Commerce  
International Aerobatic Club  
Delta City Postmaster  
Charisma Enterprises  
Charisma Enterprises  
Charisma Enterprises  
Charisma Enterprises  
Consulting Planner  
City Resident  
City Resident

Mayor Ruth Hansen called the meeting to order at 7:00 p.m. Dorothy Jeffery, City Recorder, acted as secretary. Mayor Hansen stated that notice of the meeting time, place and agenda were posted at the principal office of the governing body located at 76 North 200 West and was provided to the Millard County Chronicle Progress, the local radio station, KNAK, and to each member of the City Council by personal delivery two days prior to the meeting.

MINUTES

The proposed minutes of a Public Hearing held April 7, 1986, were presented for the Council's consideration and approval. The Council reviewed the minutes briefly, after which Council Member David Church MOVED that the minutes be approved as presented. The motion was SECONDED by Council Member Craig Greathouse. Mayor Hansen asked if there were any further questions or comments regarding the minutes. There being none, she called for a vote. The motion passed unanimously.

The proposed minutes of a Regular City Council Meeting held April 7, 1986, were presented for the Council's consideration and approval. The Council reviewed the minutes briefly, after which Council Member David Church MOVED that the minutes be approved as presented. Council Member Gayle Bunker SECONDED the motion. Mayor Hansen asked if there were any further questions or comments regarding the minutes. There being none, she called for a vote. The motion passed unanimously.

ACCOUNTS PAYABLE

The Council reviewed the accounts payable, a list of which had been given to them two days prior to the meeting. Following a brief discussion of the accounts payable, Council Member Don Dafoe MOVED that the accounts payable be approved for payment, as listed, in the amount of \$5,445.98, including Attorney Warren Peterson's bill in the amount of \$4,087.21. Council Member David Church SECONDED the motion. Mayor Hansen asked if there were any further comments or questions regarding the motion. There being none, she called for a vote. The motion passed unanimously.

ATTORNEY WARREN PETERSON: CONSIDERATION OF ORDINANCE APPROVING ZONE CHANGE FROM CENTRAL BUSINESS TO LIGHT INDUSTRIAL

Mayor Hansen asked Attorney Warren Peterson to present and review with the Council a proposed ordinance approving a zone change from Central Business to Light Industrial for property described as follows:

Beginning at N.E. Corner Lot 1 Block 56 Plat A Delta Townsite survey thence So. 55 ft. thence W. 131 Ft. thence No. 56 ft. thence E. 131 Ft. to point of beginning.

Attorney Peterson presented a proposed ordinance entitled:

ORDINANCE NO. 86-101

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF DELTA, UTAH, (ORDINANCE NO. 81-26) TO CHANGE ZONE DISTRICT BOUNDARIES TO DELETE CERTAIN PROPERTY FROM THE CENTRAL BUSINESS (CB) ZONE DISTRICT AND TO ADD THE PROPERTY TO THE LIGHT INDUSTRIAL (I-1) ZONE DISTRICT AND PROVIDING FOR CHANGE IN THE OFFICIAL ZONING MAP.

Following a brief discussion of the proposed ordinance, Council Member David Church MOVED to adopt Ordinance No. 86-101. Council Member Gayle Bunker SECONDED the motion. Mayor Hansen asked if there were any further comments or questions regarding the motion. There being none, she called for a roll call vote. The voting was as follows:

Council Member Gayle Bunker	Yes
Council Member David Church	Yes
Council Member Don Dafoe	Yes

Council Member Craig Greathouse  
Council Member Neil Dutson

Yes  
Absent during vote

Mayor Hansen then signed the ordinance and it was attested by City Recorder Dorothy Jeffery.

ATTORNEY WARREN PETERSON: CONSIDERATION OF FINAL DRAFT OF PROPOSED  
COMPREHENSIVE AMENDMENTS TO THE ZONING ORDINANCE

Mayor Hansen requested that Attorney Warren Peterson review with the Council the final draft of the proposed comprehensive amendments to the zoning ordinance.

Attorney Peterson presented a proposed ordinance entitled:

ORDINANCE NO. 86-(tabled)

AN ORDINANCE ENACTING COMPREHENSIVE AMENDMENTS TO THE ZONING ORDINANCE OF DELTA, UTAH (ORDINANCE NO. 81-26), AS AMENDED, DEFINING THE EFFECT OF REPEAL OF PRIOR ZONING REGULATIONS, PROVIDING FOR A PLANNING COMMISSION, BOARD OF ADJUSTMENT AND ZONING OFFICER, DECLARING REGULATIONS AND STANDARDS FOR LAND USE WITHIN DELTA CITY, ESTABLISHING ZONING DISTRICTS, DIVIDING DELTA CITY INTO ZONING DISTRICTS AND ADOPTING A MAP SHOWING THE BOUNDARIES AND CLASSIFICATIONS OF SUCH DISTRICTS, PROVIDING FOR THE ADMINISTRATION AND REGULATION OF THIS ORDINANCE, PROVIDING FOR INTERPRETATION AND APPLICATION OF THE REGULATIONS ESTABLISHED HEREBY, ESTABLISHING POLICIES AND PERFORMANCE STANDARDS FOR LAND USE WITHIN DELTA CITY, ESTABLISHING PROCEDURES FOR MODIFICATIONS AND AMENDMENTS TO THE REGULATIONS SET OUT HEREIN, ESTABLISHING METHODS FOR ENFORCEMENT OF THE ORDINANCE ADOPTED HEREBY, PROVIDING AN EFFECTIVE DATE AND CODIFYING THE ORDINANCE ADOPTED HEREBY AS TITLE 12-000 OF THE REVISED ORDINANCES OF DELTA CITY (1981 EDITION), AS AMENDED.

Attorney Peterson said that the proposed zoning map was not available for the meeting, but is to be adopted as part of the proposed zoning ordinance. Mr. Peterson recommended that the Council not take action until the map is found and made available for the Council's review.

Council Member David Church MOVED to table the proposed zoning ordinance until a copy of the official zoning map is available. The motion was SECONDED by Council Member Don Dafoe. Mayor Hansen asked if there were any further comments or questions regarding the motion. There being none, she called for a vote. The motion passed unanimously.

TOM HAMILTON, DELTA POSTMASTER

Mayor Hansen recognized Mr. Tom Hamilton, U.S. Postal Service Postmaster for Delta and asked him to address the Council. She noted that Mr. Hamilton had

been inadvertently left off the Council meeting agenda and asked that he present his request inasmuch as the Council meeting proceedings were ahead of schedule.

Mr. Hamilton said that the Postal Service has moved to a new location. Mr. Hamilton said that the Postal Service would like to extend delivery into areas that do not currently have delivery; mainly, the downtown business district. Mr. Hamilton said that he has conducted a poll among the downtown businesses and the majority of the Main Street businesses are in favor of postal delivery.

Mr. Hamilton said that he would like to place Neighborhood Box Units (NBUs) at approximately 250 West Main, approximately 350 West Main, and also place a drop box on the south side of west Main Street.

The Council concurred with Mr. Hamilton's proposal, but took no formal action on the request because the project had not been placed on the agenda for this meeting.

JEAN SMITH: REQUEST FOR PERMISSION TO HOLD CHAMBER OF COMMERCE SPONSORED CIRCUS ON "OLD FOOTBALL FIELD"

Mayor Hansen asked Jean Smith, representing the Chamber of Commerce, to present her request to the Council.

Jean Smith requested that the Council permit the use of the "Old Football Field" for a circus to be held May 6, 1986. She also requested that the City donate 5,000 gallons of water, and waive the required business license fees for the circus.

Max Wood, Parks & Recreation Director, said that he was concerned about elephants and trucks damaging the field.

Following a brief discussion, Council Member David Church MOVED to allow the Chamber of Commerce to sponsor a circus on the "Old Football Field", May 6, 1986, with the stipulation that the Chamber of Commerce restore the field to its present condition, and that the City donate 5,000 gallons of water. He expressly excluded from his motion the request to waive the business license fees for the circus. Council Member Neil Dutson SECONDED the motion. Mayor Hansen asked if there were any further comments or questions regarding the motion. There being none, she called for a vote. The motion passed unanimously.

DICK CARTER: PRESENTATION OF BLM WILDERNESS REVIEW

This item was not presented because Dick Carter was not in attendance at the meeting.

CAROL CLARKE: CONSIDERATION OF AEROBATICS CLUB MEET TO BE HELD IN DELTA

Mayor Hansen recognized Carol Clarke, representing the Utah Chapter of the International Aerobatic Club, and asked her to address the Council regarding an Aerobatic Club meet to be held in Delta.

Carol Clarke said that the International Aerobatic Club would like to hold an aerobatic contest at the Delta Airport on June 5, 6, 7 and 8. She explained that the competitors have a known sequence of maneuvers that they are required to do with each maneuver having a set difficulty factor. The contestants are then judged on their performance.

Ms. Clarke said that the club chose to hold the meet at the Delta City Airport because the airport and the City offer the facilities that are needed for such a contest. The Delta City Municipal Airport has good runways, a good ramp area, relatively unobstructed area around the airport, an area where the local residents will not be bothered, and it is close enough to take advantage of Delta City's motels and restaurants, she said.

Ms. Clarke said that the club would arrange with Millard County to have an ambulance available for the meet and requested that Delta City have a fire truck available during the competition.

Council Members questioned possible liability exposure of the City. Ms. Clarke said that the club does have a special events policy which is provided through the International Aerobatic Club. She said that it is a two million dollar liability policy and the City of Delta can be named as an additional insured on the policy.

Following further discussion, Council Member David Church MOVED to accept and welcome the request of Carol Clarke with the stipulation that the insurance policy be reviewed by Attorney Peterson, also a fire truck be available and a nominal fee of \$50.00 per day be charged to the club. Council Member Neil Dutson SECONDED the motion. Mayor Hansen asked if there were any further comments or questions regarding the motion. There being none, she called for a vote. The motion passed unanimously.

ATTORNEY WARREN PETERSON: CONSIDERATION OF ORDINANCE PROVIDING FOR STREET VACATION OF STREETS BORDERING BLOCK 25 AND ON PORTIONS OF SECOND AND THIRD SOUTH STREET BETWEEN THIRD AND FOURTH EAST STREET

AND

B. QUINN BEAN: STREET VACATION REQUEST OF 15 FRONTAGE FEET

Mayor Hansen asked Attorney Peterson to discuss with the Council a proposed ordinance providing for street vacation of streets bordering Block 25 and on portions of Second and Third South Street between Third and Fourth East Street.

Attorney Peterson presented a proposed ordinance entitled:

ORDINANCE NO. 86-(4888)

AN ORDINANCE DECLARING CERTAIN POLICIES APPLICABLE TO DEVELOPMENT OF PROPERTY LOCATED WITHIN THE AMENDED PLAT OF DELTA TOWNSITE (PLAT "A"), PROVIDING FOR VACATION OF CERTAIN PORTIONS OF SECOND SOUTH STREET, THIRD SOUTH STREET, THIRD EAST STREET AND FOURTH EAST STREET AND

SETTING CONDITIONS FOR THE PORTIONS OF THE ORDINANCE  
VACATING STREETS TO BECOME EFFECTIVE AND AUTHORIZING  
CONVEYANCE OF PROPERTY UPON COMPLIANCE WITH CERTAIN  
CONDITIONS.

Attorney Warren Peterson said that a notation should be made that on Third East Street the street would be narrowed by 15 feet rather than 19.5 feet in Section 4 of the proposed ordinance.

Council Member Don Dafoe recommended that the ordinance be amended to read that the property owners receiving the benefit of the vacated property pay all costs for recording, advertising, etc. related to the street vacation.

The Council members asked whether the proposed ordinance would require Quinn Bean to construct offsite improvements on the frontage of his lot at approximately 205 South 300 East prior to receiving title to that property. Mr. Peterson said that the proposed ordinance, as written, did not make special provision for Mr. Bean's lot. The Council members all concurred that Mr. Bean should not be required to install such improvements until such time as the public improvements are installed along the east side of Third East and along Second South adjacent to his lot. Mr. Bean offered to construct such improvements in conjunction with Rex Johansen's proposed subdivision or with a City-sponsored project. He said it was important to resolve whether his setbacks under the zoning code were to be governed by the existing street right-of-way lines or by the new lines that would be created by the proposed street vacation. He also said that he wanted to begin construction on his house as soon as all applicable conditions were fulfilled.

Following further discussion Council Member Gayle Bunker MOVED to instruct Attorney Peterson to redraft the proposed ordinance to allow the street vacation but to make a provision for property fronting Mr. Bean's lot to be conveyed upon Mr. Bean signing an agreement embodying the verbal offer made by Mr. Bean regarding construction of off-site improvements and schedule a Special City Council Meeting for Monday, April 28, 1986, at 5:00 p.m. to consider the ordinance. Council Member Don Dafoe SECONDED the motion. Mayor Hansen asked if there were any further comments or questions regarding the motion. There being none, she called for a vote. The motion passed unanimously.

MAYOR RUTH HANSEN: CONSIDERATION OF VIETNAM ERA MEMORIAL PROPOSAL

Mayor Hansen presented and reviewed with the Council the following letter:

Dear Mayor of Delta,

I am working on my eagle service project with the support of the Vietnam Era Memorial Committee, Inc., which is a non-profit organization, and I need your help completing my project. My eagle service project is helping the Vietnam Era Memorial Committee, Inc. raise the funds for the landscaping around the monument that

will be built as a reminder of those men and women who died in the service of their nation while in Vietnam. What I need of you is that you donate \$100.00 to this fund for each of the people who were from your town that died while in the service of their country while in Vietnam. If you can't contribute that much, we ask of you to donate as much as you can so that this project may be completed by July 4, 1987. We would appreciate any money that can be raised for this fund regardless of if it's more or less than the amount that we ask of you to donate. Please send all donations to:

Vietnam Era Memorial Committee, Inc.  
P.O. Box 148  
Provo, Utah 84603

Here is the list of the men and women who died from your city:

Raymond Adams and Wayne Morgan

If you have any questions, please feel free to contact us at:

801-377-1117 Vet Center in Provo  
801-374-2133 John Langdon, Chairman

I honestly feel that it is time that we honor both the dead and the living from the Vietnam war and it cannot be done without the help of people like you and me.

I really appreciate all your help with this and would be grateful for everything that you can do to help.

Eric Mackay

P.S. Please respond to this letter within the next four weeks so that I will be able to know if you are willing to help us in this matter.

Following a brief discussion, Council Member Craig Greathouse MOVED to have City Manager Jim Allan contact Ray Smith, Commander of Cahoon-Jensen American Legion Post 135, to research for names of Vietnam veterans from Delta and assist in obtaining donations for the Vietnam veterans monument and to schedule this request for Council action at the next regular City Council meeting. The motion was SECONDED by Council Member Gayle Bunker. Mayor Hansen asked if there were any further comments or questions regarding the motion. There being none, she called for a vote. The motion passed unanimously.

During the course of the meeting, Attorney Warren Peterson obtained the proposed zoning map to be adopted with the zoning ordinance from the City office. He and John Willie then presented the proposed map to the City Council for discussion.

The Council members noted that there were two zone designations not properly shown on the proposed zoning map for which changes needed to be made. One change is the designation of Sugar Factory Row Annexation as part of the Rural Residential Zone and the designation of the area west of the railroad tracks on 500 West as part of the Industrial zones rather than as R-4C.

There was also discussion of the territory to be included in the multiple housing zone near the West Central Utah Vocational School. The Council members directed that they be given additional time to study the proposed map.

The Council concurred in Mr. Peterson's recommendation that the proposed zoning map be modified to include the changes discussed, then duplicated and distributed to the Council Members at the April 28, 1986, meeting, then discussed further at the May 5, 1986 regular meeting.

MAYOR RUTH HANSEN: DESIGNATION OF VOTING AND ALTERNATE VOTING DELEGATES FOR MID-YEAR BUSINESS SESSION

Mayor Hansen said that a voting delegate for the Mid-Year Business Session of the Utah League of Cities and Towns needs to be designated.

Council Member Don Dafoe MOVED to appoint Council Member Craig Greathouse to cast four votes for Delta City at the Mid-Year Business Session of the Utah League of Cities and Towns. The motion was SECONDED by Council Member David Church. Mayor Hansen asked if there were any further comments or questions regarding the motion. There being none, she called for a vote. The motion passed unanimously.

ATTORNEY WARREN PETERSON: RESOLUTION PROVIDING FOR DESIGNATED WORK PERIOD FOR CERTAIN CITY EMPLOYEES

Mayor Hansen asked Attorney Warren Peterson to present a proposed resolution providing for designated work period for certain City employees.

Attorney Peterson said that the purpose of the requested resolution is to amend the personnel policy designating the work period for the Delta City Police Department.

Attorney Peterson said that he is preparing a memorandum that outlines the recommended changes to implement overtime and compensatory time guidelines and requested that it be tabled until the next regular City Council Meeting so that he could discuss policy alternatives in depth with Mayor Hansen prior to making a final recommendation.



COUNCIL MEMBER CRAIG GREATHOUSE: APPOINTMENT OF MEMBERS TO PLANNING COMMISSION

Mayor Hansen asked Council Member Craig Greathouse to discuss with the Council the appointment of members to the Planning Commission.

Mr. Greathouse said that there are presently nine members on the Planning Commission and two members have requested to be released from the Board. He said that under the proposed zoning ordinance, the size of the Planning Commission is reduced to seven members and asked if he should recommend replacements to the Board, or if the Council wanted to leave the size at seven members until adoption of the new ordinance. Following a brief discussion, the Council decided to reduce the Planning Commission to seven members, rather than nine, by not appointing additional members.

ATTORNEY WARREN PETERSON: CONSIDERATION OF ORDINANCE IMPOSING LOCAL SALES AND USE TAX

Mayor Hansen asked Attorney Peterson to review with the Council a proposed ordinance modifying the local sales and use tax provisions of the Revised Ordinances of Delta City.

Attorney Peterson presented a proposed ordinance entitled:

ORDINANCE NO. 86-102

AN ORDINANCE AMENDING CERTAIN PROVISIONS OF TITLE 6-000 OF THE REVISED ORDINANCES OF DELTA CITY, (1981 EDITION), AS AMENDED, TO ADOPT A 58/64 PERCENT LOCAL SALES AND USE TAX, PROVIDING FOR PERFORMANCE BY THE STATE TAX COMMISSION OF ALL FUNCTIONS INCIDENT TO THE ADMINISTRATION, OPERATION AND COLLECTION OF THE SALES AND USE TAX HEREBY IMPOSED AND PROVIDING PENALTIES FOR VIOLATION THEREOF.

The Council members discussed the effect of the ordinance. They noted that the proposed ordinance did not increase the overall tax levy, but merely increased the share of the present sales tax that is allocated to the cities and towns, effective July 1, 1986, and decreases the share allocated to the State of Utah. They also discussed the reallocation that will occur in July, 1987, and the administration of the sales tax collections and distributions by the Utah Tax Commission.

Following review and discussion of the proposed ordinance, Council Member Don Dafoe MOVED to adopt Ordinance No. 86-102. The motion was SECONDED by Council Member David Church. Mayor Hansen asked if there were any further questions. There being none, she called for a roll call vote on the motion. The voting was as follows:

Council Member Gayle Bunker	Yes
Council Member David Church	Yes
Council Member Don Dafoe	Yes
Council Member Neil Dutson	Yes
Council Member Craig Greathouse	Yes

Mayor Hansen then signed the ordinance and it was attested by City Recorder Dorothy Jeffery.

OTHER BUSINESS

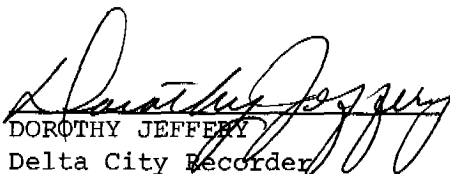
City Manager Jim Allan reviewed with the Council a procedure for raising property taxes. He said that if the City Council raises property taxes, special notices are sent out to property owners and a special hearing is held regarding property taxes. Mr. Allan said the purpose of the new procedure is to assure that everyone is aware that property taxes are going to be raised. The Council members said they were not in favor of raising property taxes at this time.

Council Member Don Dafoe asked the status of the Kenneth K. Kauwe vs. Delta City, et al, litigation. Attorney Peterson said that the case is set for trial on October 6, 1986. He also reported on the proposed schedule for the case.

Mayor Ruth Hansen asked if there were any further comments or questions or items to be discussed. There being none, Council Member Neil Dutson MOVED to adjourn the meeting. The motion was SECONDED by Council Member David Church. Mayor Ruth Hansen declared the meeting adjourned at 10:00 p.m.

  
RUTH HANSEN, Mayor

Attest:

  
DOROTHY JEFFERY  
Delta City Recorder

MINUTES APPROVED: May 5, 1986